UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,602	04/14/2005	Georg Bauer	DE 020233	8158

24737 7590 12/08/2008

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER	
LEWIS, ALICIA M	

ART UNIT	PAPER NUMBER
2164	

MAIL DATE	DELIVERY MODE
12/08/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/531,602	BAUER, GEORG	
	Examiner	Art Unit	
	Alicia M. Lewis	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 June 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This office action is responsive to communication filed June 16, 2008. Claims 2-12 are currently amended, and claim 13 has been added. Therefore, claims 1-13 remain pending in this application.

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 12 includes "a medium readable by at least one data processing device," but this terminology does not appear in the specification.

Claim Objections

2. Claims 11 is objected to because of the following informalities: the term "computer implemented method" should be added to the preamble of the claim, and the method should include a step of storing some type of data in a computer memory. Appropriate correction is required.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 12 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 12 recites a medium readable by at

least one data processing device and embodying code causing the device to perform operations. However, the medium does not appear to be limited to tangible embodiments. According to the specification, page 4 lines 14-18, it appears that the medium may take the form of optical or magnetic carriers, which are not tangible media. As such, the medium is not limited to tangible embodiments, and thus claim 12 is rejected as being non-statutory.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-4, 7 and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corston-Oliver et al. (US 7,206,787 B2) ('Corston') in view of Chakravarty et al. (WO 01/97070 A1) ('Chak').

With respect to claim 1, Corston teaches:

input means for inputting at least an input document and reference data (column 8 lines 22-28);

analysis means for analyzing the content of the input document as regards a content-based relation between the input document and the reference data (column 8 lines 22-29, column 13 lines 23-29);

determining a predetermined linkage (relationship) that corresponds to the type of content based relation between input document and reference data (column 11 lines 30-36); and

output means for outputting a linkage (relationship) of the selected type (column 8 lines 28-29).

Although Corston teaches determining a predetermined linkage, he does not teach selection means for selecting a type of linkage from a number of predefined types of linkages, a type of linkage being selected that corresponds to the type of content-based relation between the input document and the reference data.

Chak teaches a method and system for link management (see abstract), in which he teaches selection means for selecting a type of linkage from a number of predefined types of linkages (page 4, lines 17-21; page 5 line 35 – page 6 line 5), a type of linkage being selected that corresponds to the type of content-based relation between the input document and the reference data (page 5, line 25; page 6 lines 19-21 and lines 33-34; page 9, claim 2).

It would have been obvious to a person having ordinary skill in that art at the time the invention was made to have modified Corston by the teaching of Chak because selection means for selecting a type of linkage from a number of predefined types of linkages, a type of linkage being selected that corresponds to the type of content-based relation between the input document and the reference data would enable the tracking of link relationships between digital assets in a way in which the actual content and

asset is irrelevant, thus allowing a large number of assets to be handled (Chak, page 2 lines 10-12).

With respect to claim 2, Corston as modified teaches in which the linkage comprises a linkage direction (Chak, Figures 3 and 7; page 6, lines 9-14).

With respect to claim 3, Corston as modified teaches in which the reference data are a second document (Corston, column 8 lines 22-28, column 13 lines 45-47).

With respect to claim 4, Corston as modified teaches in which the reference data are a representation for a group of content-related documents (Corston, column 13 lines 45-52; Chak, Figure 2; page 4, lines 5-7).

With respect to claim 7, Corston as modified teaches:

the input document comprises at least a text portion and a data portion (Chak, page 2, line 21; page 3, lines 26-30); and

the data portion containing information about the type and/or origin of the document (Chak, page 3 lines 26-28).

With respect to claim 9, Corston as modified teaches in which the analysis means access a database in which terms are assigned to generic terms (Corston,

column 9 lines 9-15 and 50-63, column 11 line 59 – column 12 line 13; Chak, page 6, lines 2-3, Figure 3).

With respect to claim 10, Corston as modified teaches:

the input document and the established linkage are stored in a memory system (Chak, page 4, lines 28-34, Figure 4); and

the memory system being organized so that for documents stored therein there are linkages to other documents (Chak, Figure 4, page 4 lines 28-34).

With respect to claims 11 and 12 Corston teaches:

processing at least one an input document and reference data (column 8 lines 22-28);

analyzing the input document with respect to its content (column 8 lines 22-29, column 13 lines 23-29f);

making a decision whether there is a content-based relation between the input document and the reference data (column 5 line 49 – column 6 line 5, column 8 lines 22-29, column 13 lines 23-29);

for the case of a content-based relation, determining a predetermined linkage (relationship) in accordance with the type of content based relation between input document and reference data (column 11 lines 30-36); and

establishing a linkage (relationship) of the selected type (column 8 lines 28-29).

Although Corston teaches determining a predetermined linkage, he does not assigning a type of linkage from a number of predefined types of linkages in accordance with the type of content-based relation between the input document and the reference data.

Chak teaches a method and system for link management (see abstract), in which he teaches assigning a type of linkage from a number of predefined types of linkages (page 4, lines 17-21; page 5 line 35 – page 6 line 5) in accordance with the type of content-based relation between the input document and the reference data (page 5, line 25; page 6 lines 19-21 and lines 33-34; page 9, claim 2).

It would have been obvious to a person having ordinary skill in that art at the time the invention was made to have modified Corston by the teaching of Chak because assigning a type of linkage from a number of predefined types of linkages in accordance with the type of content-based relation between the input document and the reference data would enable the tracking of link relationships between digital assets in a way in which the actual content and asset is irrelevant, thus allowing a large number of assets to be handled (Chak, page 2 lines 10-12).

Further regarding claims 11 and 12, the Examiner would like to note that the limitation of "assigning a type of linkage" is optionally recited because it only occurs in the case of a content-based relation.

With respect to claim 13, Corston teaches:

input means for inputting at least an input document and reference data (column 8 lines 22-28);

analysis means for analyzing the content of the input document as regards a content-based relation between the input document and the reference data (column 8 lines 22-29, column 13 lines 23-29);

determining a predetermined linkage (relationship) that corresponds to the type of content based relation between input document and reference data (column 11 lines 30-36); and

output means for outputting a linkage (relationship) of the selected type (column 8 lines 28-29).

Although Corston teaches determining a predetermined linkage, he does not teach selection means for assigning a type of linkage from a number of predefined types of linkages, a type of linkage being assigned that corresponds to the type of content-based relation between the input document and the reference data.

Chak teaches a method and system for link management (see abstract), in which he teaches selection means for assigning a type of linkage from a number of predefined types of linkages (page 4, lines 17-21; page 5 line 35 – page 6 line 5), a type of linkage being assigned that corresponds to the type of content-based relation between the input document and the reference data (page 5, line 25; page 6 lines 19-21 and lines 33-34; page 9, claim 2).

It would have been obvious to a person having ordinary skill in that art at the time the invention was made to have modified Corston by the teaching of Chak because

selection means for selecting a type of linkage from a number of predefined types of linkages, a type of linkage being selected that corresponds to the type of content-based relation between the input document and the reference data would enable the tracking of link relationships between digital assets in a way in which the actual content and asset is irrelevant, thus allowing a large number of assets to be handled (Chak, page 2 lines 10-12).

6. Claims 5, 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corston-Oliver et al. (US 7,206,787 B2) ('Corston') in view of Chakravarty et al. (WO 01/97070 A1) ('Chak') as applied to claims 1-4, 7 and 9-12 above, and further in view of McKeown et al. (US 2005/0203970 A1) ('McKeown').

With respect to claim 5, Corston as modified teaches claim 1.

Corston as modified does not teach during the selection of the type of linkage keywords are searched for which denote the type of linkage between the content of the input document and the reference data, and a type of linkage is selected corresponding to the keywords found.

McKeown teaches a system and method for document collection, grouping and summarization (see abstract), in which he teaches selection means for selecting a type of linkage from a number of predefined types of linkages, a type of linkage being selected that corresponds to the type of content-based relation between the input document and the reference data (Figure 3, paragraphs 43-45) ***(McKeown teaches***

that a router determines a relationship between documents, including selecting one of the summarization engines based on the relationship. The summarization engine selected corresponds to the linkage between the documents. For example, it is determined if the documents are related a single event, a particular person, or multiple events. The summarization engine selected represents the linkage type.); and

during the selection of the type of linkage keywords are searched for which denote the type of linkage between the content of the input document and the reference data (steps 305, 325, 330 in Figure 3, paragraphs 43-45) (***In order to determine the summarization engine, which corresponds to linkage type, dates, capitalized words, and pronouns are searched.***); and

a type of linkage is selected corresponding to the keywords found (steps 310, 320, 315, 335, 340 and 345 in Figure 3, paragraphs 43-45) (***Based on the dates, words and pronouns, the appropriate engine (linkage) is selected).***

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have further modified Corston by the teaching of McKeown because during the selection of the type of linkage keywords are searched for which denote the type of linkage between the content of the input document and the reference data, and a type of linkage is selected corresponding to the keywords found would enable documents to be clustered, a relationship to be determined amongst a subset of documents, and allow a summary of the documents to be generated, thus enabling

researchers to determine if a collection of documents is relevant (McKeown, paragraph 9).

With respect to claim 6, Corston as modified teaches when the type of linkage is selected, the document is assigned to one from a plurality of predefined types of documents (McKeown, paragraph 47 lines 8-10), and a type of linkage is selected in accordance with the type of document (McKeown, paragraph 47 lines 10-13).

With respect to claim 8, Corston as modified teaches in which the data portion of the input document is used to select the type of document (McKeown, paragraphs 43 and 47).

Response to Arguments

7. Applicant's arguments filed June 16, 2008 have been fully considered but they are not persuasive. Regarding claim 1, Applicant argues that Chak does not teach a selection means for selecting a type of linkage. Examiner disagrees. Chak teaches a plurality of predefined link types (pages 4-6), and he further teaches selecting a link type. Chak teaches that an existing link type may be replaced with a different link type, which means that the different link type will be selected (page 6 lines 19-21). He also explicitly teaches "link selection" at page 6 lines 33-34 where he states that a relation between two assets is defined by a link selection. Therefore, it is clear that Chak teaches a selection means for selecting a type of linkage. Applicant makes remarks

about the definition of selection as defined by the claims, but there is no definition or description of a particular type of selection in the claims.

8. Applicant has amended claims 11 and 12, and added claim 13 to recite "assigning a type of linkage" instead of selecting a type of linkage, and further argues that Chak does not teach assigning a type of linkage. Again the Examiner disagrees. As argued above, Chak teaches that link types may be replaced with a different link type, which would clearly imply that the different link type is assigned to the assets. Further, Chak teaches defining a relation between assets by a link selection, which also means that a type of link is assigned. Thus it is clear that Chak also teaches assigning a type of linkage.

9. Although Applicant argues that Chak does not teach the assigning step of his claims, he admits that Chak teaches assigning link types by a user. There are no limitations in the claims that specify who or what assigns the link types. Thus, as Applicant has admitted, Chak does in fact teach assigning a link type. If Applicant means the link types to be assigned by a machine or someone other than a user, he should make this clear and explicit in the claims.

10. Lastly, Applicant argues that McKeown deals with an incompatible approach for organizing documents and that McKeown cannot be combined with the other references. Examiner disagrees. All three references used by the Examiner in rejecting the claims deal with managing relationships/links between documents, thus McKeown may clearly be combined with Corston and Chak.

11. Applicant states that McKeown would not be related to the type of link claimed by Applicant, however there is no evidence or support for this statement. In response to applicant's argument that McKeown is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, McKeown is pertinent to the problem with which applicant was concerned, i.e., processing, organizing and determining relationships between electronic documents.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Lewis whose telephone number is 571-272-5599. The examiner can normally be reached on Monday - Friday, 9 - 6:30, alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. M. L./
Examiner, Art Unit 2164
November 26, 2008

/Charles Rones/
Supervisory Patent Examiner, Art Unit 2164